United Nations A/HRC/30/NGO/151

General Assembly

Distr.: General
15 September 2015

English only

Human Rights Council
Thirtieth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 September 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15597(E)

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Human Rights Council should help prevent a human rights crisis in Burundi

After more than a decade of relative peace and stability following the end of the civil war, Burundi is once again in the midst of political crisis and risks a return to internal armed conflict. The report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence on his mission to Burundi[1] to this session highlights the need for serious efforts to redress past violations in order to end the tradition of impunity and protect human rights in the present and future.

The Human Rights Council should take urgent measures to prevent further serious human rights violations in the country.

Background

On 26 April 2015, demonstrations against President Pierre Nkurunziza's decision to run for a third term in office broke out in the capital Bujumbura and continued until mid-June. Many Burundians saw this bid as unconstitutional and a violation of the provisions of the 2000 Arusha Agreement which brought an end to the country's civil war.

On 13 May, a group of military officers staged an attempted coup. After heavy fighting between their supporters and factions of the army loyal to the President, they announced the coup's failure the following day. On 25 June, General Philbert Habarugira, who participated in the failed coup, announced from exile in an online audio clip the intention to mount an armed rebellion against President Nkurunziza's government.

On 24 July, President Nkurunziza was declared the winner of the presidential elections, and on 20 August he was sworn in for a third term in office.

General Adolphe Nshimirimana, a former head of the intelligence services and close ally of the president, was assassinated on 2 August, and targeted killings of both ruling party and opposition members have continued into September.

Excessive use of force in policing demonstrations

Although preparations had been made to manage public assemblies during the 2015 electoral period, the government imposed a blanket ban on demonstrations. The protests that erupted in April were treated by the authorities as if they were an insurrection, which served only to escalate rather than defuse the protests.

Amnesty International documented the violent repression of protests by police in Bujumbura. They used excessive and disproportionate force, including lethal force, against protesters, at times shooting unarmed protesters running away from them. Even where children were present during demonstrations, police still failed to exercise restraint, and used tear gas and live ammunition. According to the United Nations Children's Fund, at least eight children have been killed during the current crisis.[2]

Little information is available on investigations into incidents linked to the protests. No victims or family members that Amnesty International interviewed had filed complaints with the police and several relatives and medical personnel described intimidation by security forces that made them fearful of bringing complaints.

Torture and other ill-treatment in detention

[1] Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff, Addendum, Mission to Burundi (8–16 December 2014). UN document: A/HRC/30/42/ADD.1, of 10 August 2015

[2] Amnesty International, Braving Bullets – Excessive force in policing demonstrations in Burundi, 27 July 2015, Index number: AFR 16/2100/2015.

Both the Burundi National Police and the National Intelligence Services are responsible for the use of torture and other forms of ill-treatment in detention against opponents of President Nkurunziza since April 2015 to extract forced confessions and to silence dissent. Amnesty International received testimonies from a human rights activist and a journalist detained due to their suspected participation in protests. They described being beaten with iron bars, electric cables and batons; receiving electric shocks; and being forced to sit in battery acid.

Some Burundian human rights activists and public officials told Amnesty International the practice of torture was on the rise in Burundi. In May and July 2015, Amnesty International interviewed 11 men who reported being subjected to torture and other ill-treatment in two different locations in Bujumbura. It also interviewed two other men who witnessed others being subjected to such treatment. These accounts and information from other reliable sources make it appear that the cases documented by Amnesty International are part of a much larger problem of torture and other ill-treatment in detention in Burundi.[3]

Crackdown on freedom of expression

The crackdown on independent media has escalated since the failed coup. On 13 and 14 May, the infrastructure of four independent radio stations was destroyed by unidentified individuals. The stations had previously been banned from broadcasting outside Bujumbura on 26 April. Burundian and international journalists have received threats from government officials. Newspapers can still operate, but under difficult circumstances. On 3 August, Pierre Claver Mbonimpa, a leading human rights defender, survived an attempted assassination by gunmen.

Parallel chain of command

Through interviews with Burundian policing experts and police officers, Amnesty International established that individuals in positions of power are bypassing the official police chain of command to give orders that violate regional and international human rights standards, including the right to life, to advance their own political or personal agendas. Efforts to reform the security sector and significant investment in training, as highlighted in the report of the Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence, risk being undermined as long as these parallel command structures are allowed to operate.[4] Political will to end this practice is essential in order to end the culture of impunity in Burundi. As the Special Rapporteur noted, "a tradition of impunity is both a manifestation and a cause of institutional weaknesses."

Recommendations

Amnesty International recommends that the Human Rights Council (HRC) adopts a resolution about the human rights situation in Burundi at this session that:

- Draws the attention of the UN Security Council and other relevant bodies to real possibility that the human rights situation in Burundi will deteriorate rapidly and calling for urgent measures to prevent further human rights violations;
- Strongly condemns human rights violations committed in Burundi, including torture and ill-treatment in detention, and the excessive use of force by police, and urging the Burundian authorities to conduct impartial and independent investigations with a view to bringing those responsible to justice;
- Ensures that the HRC be kept regularly informed of developments on the ground, including by requesting the UN High Commissioner for Human Rights to present a written report at the thirty-first session of the Human

[3] Amnesty International, "Just Tell Me What to Confess To" - Torture and Other Ill-Treatment by Burundi's Police and Intelligence Service since April 2015, 23 August 2015, Index number: AFR 16/2298/2015 at: https://www.amnesty.org/en/documents/afr16/2298/2015/en/ [last accessed 12 September 2015].
[4] A/HRC/30/42/Add.1, 10 August 2015. See footnote 1.

Rights Council, followed by an interactive dialogue, as well as a written report at the Council's thirty-third session, followed by an interactive dialogue;

The HRC should also stand ready to convene an urgent debate on the human rights situation in Burundi should the situation further deteriorate and with a view to taking further steps as appropriate.

Further, Amnesty International recommends that the HRC, its members and observer states urge the Government of Burundi to:

- Promptly and independently investigate all reports of human rights violations and prosecute those allegedly responsible, including the commanding officers in charge during the incidents who gave unlawful orders or failed to prevent violations of human rights.
- Remove from active duty anyone suspected of having committed crimes under international law or other serious human rights violations until the allegations against them have been independently and impartially investigated.
- Clarify the status and chain of command within the three security forces (police, army and intelligence services) and ensure that they are respected.
- Ensure that victims of human rights violations and their families can obtain full reparation.
- Invite the UN and the AU Special Rapporteurs on extrajudicial, summary or arbitrary executions, UN Special Rapporteur on Freedom of Association and Peaceful Assembly and the AU Special Rapporteur on Freedom of Expression and Access to Information to visit the country
- Invite the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Enforced or Involuntary Disappearances and the AU Chairperson of the Committee against Torture in Africa to visit the country
- Uphold the right to freedom of expression, association and peaceful assembly by allowing civil society groups and opposition parties to organize and hold meetings, public gatherings and demonstrations.
- Investigate and prosecute those responsible for the destruction of the radio stations on 13 and 14 May 2015.
- Amend the organic law on police and military to bring it into conformity with international human rights standards.
- Ensure that the security forces act in accordance with international standards regarding the use of force and firearms to respect and protect the right to life and physical integrity, in accordance with international instruments, including the United Nations Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- Ensure that no person is subjected to arbitrary, secret or incommunicado detention, and that the rights of detainees are respected in all cases in accordance with international human rights law.[5]

[5] Additional recommendations are made in the Amnesty International reports mentioned in footnotes 2 and 3 above.